

House File 56

HOUSE FILE _____
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the sales of beer kegs by requiring an
2 identification number on each keg of beer, recording of the
3 purchase of beer by the keg, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1029HH 82
6 ec/sh/8

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1 1 Section 1. Section 123.50, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Any person who violates any of the provisions of
1 4 section 123.49, except subsection 2, paragraph "h", or who
1 5 fails to affix upon sale, defaces, or fails to record a keg
1 6 identification sticker or produce a record of keg
1 7 identification stickers pursuant to section 123.138, shall be
1 8 guilty of a simple misdemeanor. A person who violates section
1 9 123.49, subsection 2, paragraph "h", commits a simple
1 10 misdemeanor punishable as a scheduled violation under section
1 11 805.8C, subsection 2.

1 12 Sec. 2. Section 123.138, Code 2007, is amended to read as
1 13 follows:

1 14 123.138 BOOKS OF ACCOUNT REQUIRED == KEG IDENTIFICATION
1 15 STICKER.

1 16 1. Each class "A" or special class "A" permittee shall
1 17 keep proper books of account and records showing the amount of
1 18 beer sold by the permittee, and these books of account shall
1 19 be at all times open to inspection by the administrator and to
1 20 other persons pursuant to section 123.30, subsection 1. Each
1 21 class "B" and class "C" permittee shall keep proper books of
1 22 account and records showing each purchase of beer made by the
1 23 permittee, and the date and the amount of each purchase and
1 24 the name of the person from whom each purchase was made, which
1 25 books of account and records shall be open to inspection
1 26 pursuant to section 123.30, subsection 1, during normal
1 27 business hours of the permittee.

1 28 2. a. Each class "B", "C", or special class "C" liquor
1 29 control licensee and class "B" or "C" beer permittee who sells
1 30 beer for off-premises consumption shall affix to each keg of
1 31 beer an identification sticker provided by the administrator.
1 32 For the purposes of this subsection, "keg" means all durable
1 33 and disposable containers with a liquid capacity of five
1 34 gallons or more. Each class "B", "C", or special class "C"
1 35 liquor control licensee and class "B" or "C" beer permittee
2 1 shall also keep a record of the identification sticker number
2 2 of each keg of beer sold by the licensee or permittee with the
2 3 name and address of the purchaser and the number of the
2 4 purchaser's driver's license, nonoperator's identification
2 5 card, or military identification card, if the military
2 6 identification card contains a picture and signature. This
2 7 information shall be retained by the licensee or permittee for
2 8 a minimum of ninety days. The records kept pursuant to this
2 9 subsection shall be available for inspection by any law
2 10 enforcement officer during normal business hours.

2 11 b. The division shall provide the keg identification
2 12 stickers described in paragraph "a". Each sticker shall
2 13 contain a number and the following statement: "It is unlawful
2 14 to sell, give, or otherwise supply any alcoholic beverage,

2 15 wine, or beer to any person under legal age. Any person who
2 16 defaces this sticker shall be guilty of criminal mischief
2 17 punishable pursuant to section 716.6 and shall cause the
2 18 forfeiture of any deposit, if applicable." The identification
2 19 sticker shall be placed on the keg at the time of retail sale.
2 20 The licensee or permittee shall purchase the stickers referred
2 21 to in this subsection from the division and shall remit to the
2 22 division deposits forfeited pursuant to this lettered
2 23 paragraph due to defacement. The cost of the stickers to
2 24 licensees and permittees shall not exceed the division's cost
2 25 of producing and distributing the stickers. The moneys
2 26 collected by the division relating to the sale of stickers and
2 27 forfeited deposits shall be credited to the beer and liquor
2 28 control fund.
2 29 c. Enforcement of this subsection shall be implemented
2 30 uniformly throughout the state. For purposes of uniform
2 31 implementation, a county or municipality shall not set
2 32 requirements or establish a penalty which is higher or more
2 33 stringent than the requirements or penalties enumerated in
2 34 this subsection, section 123.50, and section 716.6. The
2 35 division shall establish by rule procedures relating to the
3 1 forfeiture and remittance of deposits pursuant to paragraph
3 2 "b".

3 3 EXPLANATION

3 4 This bill provides that specified liquor control licensees
3 5 and beer permittees who sell beer for off-premises consumption
3 6 shall affix to each keg of beer an identification sticker
3 7 provided by the administrator of the alcoholic beverages
3 8 division of the department of commerce. The bill provides
3 9 that a "keg" of beer shall refer to all durable and disposable
3 10 containers with a liquid capacity of five gallons or more.

3 11 The bill also provides that each of the specified licensees
3 12 and permittees shall keep a record of the identification
3 13 sticker number of each keg of beer sold by the licensee or
3 14 permittee with the name and address of the purchaser and the
3 15 number of the purchaser's driver's license, nonoperator's
3 16 identification card, or military identification card. The
3 17 bill provides that this information shall be retained for a
3 18 minimum of 90 days, and shall be available for inspection by
3 19 any law enforcement officer during normal business hours. The
3 20 bill provides that the identification sticker shall be affixed
3 21 to the keg at the time of the retail sale.

3 22 The bill provides that the alcoholic beverages division
3 23 shall provide the keg identification stickers, and that each
3 24 sticker shall display an identification number and a statement
3 25 that it is unlawful to sell, give, or otherwise supply any
3 26 alcoholic beverage, wine, or beer to any person under legal
3 27 age, and that any person who defaces the sticker shall be
3 28 guilty of criminal mischief and shall forfeit a deposit, if
3 29 applicable. The bill provides that the licensee or permittee
3 30 shall purchase the stickers from the division, that the
3 31 licensee or permittee shall be authorized to retain a
3 32 forfeited deposit, that the cost of the stickers shall not
3 33 exceed the division's production and distribution cost, and
3 34 that the moneys collected by the division from the sale of the
3 35 stickers or from forfeited deposits shall be credited to the
4 1 beer and liquor control fund.

4 2 The bill provides that penalty provisions contained in Code
4 3 section 123.50, regarding violations being punishable as a
4 4 simple misdemeanor, shall be applicable to a licensee or
4 5 permittee who fails to affix upon sale, defaces, or fails to
4 6 record a keg identification sticker or produce a record of keg
4 7 identification stickers. The bill provides that the
4 8 provisions of the bill shall be enforced and implemented
4 9 uniformly across the state, and that a county or municipality
4 10 shall not set requirements or establish a penalty which is
4 11 higher or more stringent than the requirements or penalty
4 12 provisions made applicable in Code section 123.50 or 716.6.

4 13 LSB 1029HH 82

4 14 ec:nh/sh/8